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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,048	12/31/2003	Jeffry Golden	42173-018	8958
75474	7590	12/11/2007	EXAMINER	
KANG INTELLECTUAL PROPERTY LAW, LLC			MCKANE, ELIZABETH L	
214 ELM STREET, SUITE 106			ART UNIT	
WASHINGTON, MO 63090			PAPER NUMBER	
			1797	
MAIL DATE		DELIVERY MODE		
12/11/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/750,048	GOLDEN, JEFFRY	
	<b>Examiner</b>	<b>Art Unit</b>	
	Leigh McKane	1744	

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 09 December 2007.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 59-73 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 59-66 and 69-73 is/are allowed.
- 6) Claim(s) 67 and 673 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

*Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 67 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kodera et al.

Kodera et al. teaches a method for decontaminating a contaminated surface. Kodera et al. teaches a method for decontaminating a contaminated surface. The method of Kodera et al. includes providing barrier **A,B,C,D** defining a treatment space and having an entrance and an exit therein, surrounding the contaminated object (packaging material) with the barrier by moving the object into the entrance, spraying a hydrogen peroxide solution onto the surface of packaging material, and illuminating the sprayed surfaces with light from light source **34**. Within the barrier section **B**, having an entrance adjacent **A** and an exit adjacent **C**, an air flow is established. Air entering the barrier with hydrogen peroxide mist through **13** flows toward the entrance adjacent **A** to exit through exhaust **14**. However, due to the vacuum induced at **11** and the fact that shield plates **44** do not create a perfect seal, the examiner submits that some air would have necessarily flow out of the entrance adjacent **A**. Moreover, air entering the barrier with hydrogen peroxide mist through **13** also flows toward the exit adjacent **C**. Again, as the shield plate **44** adjacent the exit **C** is not a perfect seal, some air will necessarily flow through the exit toward the exhaust **14**. Similarly, the vacuum induced at **13** would have caused the air

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injected at **42** to flow from the exit of section **C** to the entrance of section **C**. It is further noted that claim 67 does not require that either the spraying or illumination take place eithin the barrier. Although not specifically disclosed by Kodera et al., it is clear from the disclosure thereof that the “sterilizing” UV lamps used are those operating at the convention UV sterilizing wavelength of 254 nm.

***Allowable Subject Matter***

3. Claims 59-66 and 69-73 are allowed.

***Response to Arguments***

4. Applicant's arguments filed 1 October 2007 with respect to claims 67 and 68 have been fully considered but they are not persuasive.

As set forth in the rejection all of the sections A, B, C, D have entrances and exits. Moreover, as the combination of the air entering section D through **42** and the vacuum being pulled at **13** will create a counterflow through the sections, the limitations of claim 67 will be met by the method of Kodera et al..

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leigh McKane whose telephone number is 571-272-1275. The examiner can normally be reached on Monday-Friday (5:30 am-2:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Leigh McKane*  
**Leigh McKane**  
**Primary Examiner**  
**Art Unit 1744**

elm  
9 December 2007